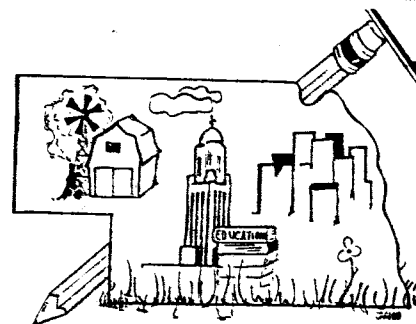


The Nebraska Observer

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formerly WHAMO

Whelan: Private Investigation Can Go Further than Public Inquiry Might

Abuse Investigation Continues at Two Levels

by Frances Mendenhall

Members of the special Legislative committee investigating the failed Franklin Credit Union met Sept. 22. Besides the five remaining committee members (two had resigned in July), committee counsel John Steven Berry and the committee's private investigator, Gary Caradori, took part in what Berry described to this reporter as "seven hours of damn hard work." Neither the public nor the press were notified of the meeting or allowed to attend.

The committee had gained access, but not possession of the reports of the agencies compiled by the state Attorney General's office. They were to use the information, but not allowed to make it public.

Citizens' Group

Meanwhile, in Omaha, Concerned Parents, a private group whose members are disenchanted with the results of the official investigations so far, continues to pursue the allegations of child sexual abuse related

to former Franklin director Larry King and his associates. The group, has hired the firm of Denny Whelan to investigate the allegations. Whelan has had experience in child-related investigations for 15 years, including cases involving missing and murdered children. One area of focus for this investigation is cult or satanic activity possibly related to murder.

Whelan believes that a private investigator will be able to go farther than a governmental body might. "We're not controlled—the private sector doesn't have anything to lose," he told this reporter.

Both Berry and Whelan pledge to pursue their investigations until they have the complete picture of what happened. But there is a difference in their purpose.

Berry was hired following the July resignation of the committee's previous counsel, Kirk Naylor, who, along with two committee members, believed that the committee's change in focus away from child abuse and toward following the "money trail" was

unacceptable.

Berry's investigation is being done on behalf of a legislative body, and its purpose is to uncover information that will impact legislation, in this case child-welfare legislation. "The legislature does not hold trials," he told this reporter.

Whelan is working for the citizen group's attorney, which protects his report from being subpoenaed. The group has considered class-action suits on behalf of the victims, or assisting them in civil suits.

Berry intends for the legislative committee to have its report completed by year's end. Presently, no public hearings are scheduled, and Berry is not making any commitments as to whether members of the police department will be subpoenaed, but he has not ruled out either possibility. He feels sure that when the report is made public, the breadth and depth of the investigation will be satisfactory. "This is not some deal where I'm just going to sit here and cool this thing out," he said.

'Schmit Felt Threatened'

State Sen. Loran Schmit, who heads the special Legislative committee, confirmed to reporters that he had a conversation with three women in his office the Thursday before the most recent meeting of the special committee, in which he revealed threats made to him related to the investigation. Schmit in July had issued his own addendum to the committee report in which he announced that the emphasis would change to following the "money trail."

The three, Kirsten Hallberg, Mary Lewis, and a business woman who asked that her name not be printed, told of spending more than an hour in Schmit's office. Hallberg recalled Schmit quoting (then) police chief Robert Wadman, who said, "I've got something on all of you," apparently referring to the committee. The comment came up during a discussion of a World-Herald editorial, which cited information about the alleged victims that raised questions about their credibility. Hallberg had raised the possibility that Wadman was the source of the information.

Other threats the three reported Schmit

Continued on page 5

Newsman: Ex-Crip Was Framed

by Ben Gray

The author, a producer for KETV, has been closely involved with former gang member Robert Penn, 17, in his attempt to escape his involvement with drugs and gangs. Penn, who until recently worked with Gray at KETV, was featured in a special by NBC in August, and, on Sept. 8, in a front page article in the Wall Street Journal.

Robert Penn was trying to do something more difficult than most of us will ever have to try—to escape a life of gang violence and drug dealing. Sunday night, Sept. 17, he was arrested for using a firearm in a fight outside the Showcase Lounge, in circumstances that were more suspicious than any casual World-Herald reader could ever know. I believe that someone wanted Robert's try for a new life to fail so badly that they set him up by staging an attack and forcing him to defend himself.

Here is what happened that Sunday night.

Robert went to a dance at the Showcase, believing it was similar to an event sponsored by the Mad Dads two days earlier, with appropriate security. He did not go with his old gang friends, just his sister,

his girlfriend, and another friend. A fight broke out in the lounge and Robert left. As he was leaving, James Reese confronted him outside the door and pushed him. Robert hit him. Then five to seven young men jumped on Robert. One guy tried to shoot him, but just hit Robert on the head with the gun and then dropped it. Robert managed to get the gun, fired several shots, but hit no one. Robert said he shot at his attackers, but witnesses said he fired *in the air*. He was not running after the other youths, as the World-Herald reported.

Then some really strange things happened. Wayne Sanders, who had been outside the lounge from the time Robert went in, was watching the entire incident. Robert started to go back into the lounge in pursuit of another youth when Sanders, a civilian, accosted him, pulled a pistol and held it to his throat, and told him he was under arrest. Then the security guard from the Showcase came out and handcuffed him while they waited for the police.

I and State Sen. Ernie Chambers are asking the City Prosecutor's office to drop the three charges against Robert (possession of a weapon by a minor, possession of an unregistered firearm, and firing within

the city limits). Even if you believe no one was behind the several youths who jumped Robert, even if it was just coincidence that two civilians were present and used a gun and handcuffs to detain Robert until the police arrived, there remain these questions: Why Robert should be arrested for using his attackers' gun in his own defense? Why the civilians who detained Robert failed to apprehend any of the other youths

It is hard to say who might want to see Robert fail. But the World-Herald is certainly helping by making it look as if Robert had carried a gun and started a fight.

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Annual Observer Gala Almost Here!

by Frances Mendenhall

What are these envelopes with yellow tickets in them stapled to my Nebraska Observer, you are probably asking right now.

Nothing less than the future of independent journalism in Nebraska? Well, we'd like you to believe that. At the very least, we hope it means another year of survival for the Observer.

The tickets are for the Counter Press Club Ball to be held Friday, Oct. 27, at Peony Park. The Ball is our once-a-year fund raiser in which we *tastefully* and *reverentially* get even with all the public figures who make life interesting in Nebraska.

Everyone looks forward to the Ball. Politicians show up to see what we have to say about them and their colleagues. Ordinary citizens can participate ahead of time by working on the song parodies (call Amy Schwenk, 341-1214, to offer ideas), or the night of the Ball by competing in the newsmaker of the year pageant. Costumes, although not obligatory, are a part of the fun. Last Ball we had a great Ollie North look-alike. No one came as Vard Johnson or Kay Orr, however, which was just as well, because they came as themselves.

There will be dancing to some great music, a cash bar, and a chance to meet the folks whose dedication and general insanity make this publication possible every month.

And there is the coveted "Upstream Swimmer Award" given to the person we judge to have made his or her contribution while working at odds with Nebraska's power players. You will recall our last "Upstream Swimmer" was Dan Cobos, who got the heat for seeking an honorable discharge from the Air Force rather than continuing to fly surveillance missions over Central America.

Still not sold? Maybe you live in North Platte, or hate to go out after dark. Well, dear reader, please read on.

Our very survival

It's about money, of course. This is a time of great opportunity. We are on the verge of success, but for a couple of things.

First, it has been a really great year since we revived our paper in February. I know from the phone calls and mail that people greatly appreciate the point of view we bring to Nebraska and the fact that we bring them information that often they can't get anywhere else.



Ode to Omaha's Keno Lottery (To the Tune of "Delta Dawn")

Jackie Gaughan

What's that scam you're putting on

To separate the workers

from their pay?

And did I hear you say

Tomasek would veto old P.J.?

Ak-Sar-Ben calls it pie in the sky.

In addition to the difference we make for those who depend on us for information, there is the difference we make in the hearts of those we report on. I have gotten enough angry phone calls from public persons to believe that they care very much what gets printed on these pages about them. There is no doubt in my mind that this watchdog

press is taken seriously.

In the months since February, we have learned to work as a team to write and produce this paper, we have learned to make the most of our desktop publishing equipment, we have gained the confidence of a growing number of readers, and we have built a solid network of news sources. These are the things that money can't buy.

Why We Need Money

The problem is simple. Until our subscriber list is about three times the size it is now, we will struggle to pay the bills each month. Until we have a "critical mass" of loyal readers, our commitment to keep on printing, however sincere, will not be based in long-term reality. We really want to know we are permanently on the map! And of course, we will be.

But for now, it is very important for us to reach some goals, for which we need money.

We Need More Readers

The main goal is outreach to new readers. The most important thing the price of your ticket will fund will be a project to let more people know we're here. We need to make ourselves a household word.

So, if you live in North Platte or don't like to go out after dark, we still need your support. One thing you could do that means a lot to us and helps too is to buy a gift subscription. Of course, you could also buy a ticket to the Ball for someone else.

So, dear friends, please use the envelope attached to this page to send us a check. The price of admission is \$20 per person, or \$30

per couple. A couple is any two people. While it will be possible to pay at the door, your advance payment would be a big help and greatly appreciated.

Red Tickets and Yellow Tickets

Many people attended our wine and cheese party Sept. 8 and committed to selling tickets. If you were there, you were given red tickets to sell. Red tickets are no more or less valuable than yellow tickets, but you should know that we are depending on you to turn the red ones in or sell them.

I am excited about getting together with old and new friends. Our readers are terrific people and make this job very rewarding. See you at the Ball.



WHAMO Theme

(To the tune of "As Time Goes By")

You can't remember what

The editors have cut

Or what they leave in doubt.

We keep watch what's in the World-

Herald

And what's left out.

Observer Deadlines

The next issue of the Nebraska Observer will come out October 25. We must receive your story ideas by Oct. 10.

Copy is due Oct 17. Story ideas for the November 29 issue are due Nov. 14. Copy is due Nov. 21.

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Dwarfer Mourns Another Paper's Death

by Warren Francke

Not a soul remained behind to see that sad face, with nose and lips mashed against the glass door, peering into the shadows.

Dwarf Leavenworth stared long into the empty office of the weekly Metropolitan newspaper, then walked slowly away to the Central Park Mall, shaking his head but uttering not a word.

He left only a damp smudge where his mouth met the glass, four-foot-something above the Harney sidewalk. Returning to the Mall, the old Dwarfer reached deep into his favorite trash receptacle and pulled forth a discarded World-Herald. Brushing away a Fudgesicle wrapper stuck to the paper, he read an oddly transposed headline:

**"Weekly Paper
Metropolitan
Shuts Down."**

It began, "Today's issue of the Metropolitan will be its last, Publisher and Managing Editor John M. Lee said Tuesday."

Dwarf sighed. Now where? Where now? Where to rush with his loud questions when the daily news left him nosily confused? Yes, there's that alternative monthly, the "Nemaha Intruder" he thought it was called. But a month was often too long to wait.

Leavenworth pondered his rippled reflection in the lagoon and permitted his thoughts to drift, first to his boyhood days in Buzzello's gym beneath the old Foxhole Tavern on the street that gave him his name, then to the old Sun Newspaper offices in South O, before it moved to a new building he could never find. How long ago did the Sun die, he wondered. Six years now?

He remembered bursting in on John Boyd at the Downtowner office, during that weekly's short life, and then following Boyd down to the Burlington Building in the early days of the Metropolitan. He liked that location flush against the east end of the mall. Then, finally, he'd visit that last office where he left his damp smudge on the glass... another pleasant place, east of the Antiquarium, west and up from the Dubliner.

Just buildings, he thought, but places where Boyd and others put out newspapers, weekly alternatives to the World-Herald, which would easily be his favorite no matter how often it confused him, but why wouldn't they let him past the security guard in the lobby?

As he weighed this injustice, Dwarf sprawled on the grassy slope in silence. That's what worried me as I spotted him. We first met when I wrote columns for the Sun, but I had never before seen him without first hearing him coming, yelling in mid-monologue as he'd explode through my door.

Then I saw the "Metropolitan Shuts Down" clipping clenched in his fist. It was both sad and embarrassing.

I had abandoned the Metro last March, or, as the Herald item worded it, "Francke... ceased his column." Yep, seized the day to cease my column months before Berke Breathed killed Bloom County.

Embarrassing? Well, about the time the Metro was dying, I did squeeze a glib note in my August Nebraska Observer column ribbing the weekly about replacing Bloom County with Ed Jaksha.

Yet the end came as no surprise. Nor was it surprising that the Herald ran a reasonable little story in the morning paper, then jerked it entirely from the p.m. Maybe someone didn't like Boyd's comments about the continuing need for an alternative to the Herald.

At the time I quit writing my column, Lee had gone more than three months without replacing Boyd with an editor. Lee had also rejected a substantial buy-out offer from Boyd and his backers, reportedly the Lincoln Journal.

Later, others showed interest. I heard from a Nebraska publisher, representing two men with national media interests. He asked if I'd resume the column under new owners. Sounded good to me.

But, after a second meeting with Lee, no offer followed.

Will someone else take up the challenge? Boyd said he has a plan for an alternative paper, but not one with 20,000 free distribution.

That's too bad. The monthly you're now reading plays a brave role, but it reaches too few. Boyd's right; there's still room in Omaha for a good weekly paper that challenges the Herald in a more popular mainstream style.

THE Frances Mendenwho?

When Shirley MacLaine tried to seduce Peter Sellers, he said, "I like to watch." He said it as Chance Gardiner in "Being There."

If you'd like to watch the founder of this newspaper receive significant recognition for providing this alternative, be there at Peony Park Nov. 3 when Frances Mendenhall accepts the 1989 Freedom of the Press award from the Nebraska Civil Liberties Union.

The Nebraska Observer editor will be honored for "leadership in providing coverage of the news for Omaha readers as well as the state of Nebraska." Jerzy Kosinski, author of "Being There" and other books, will speak at the annual Bill of Rights dinner.

As a minor contributor to alternative publications, I share the NCLU's admiration for the time, effort and inspiration supplied by Frances M. Not to mention money. The Mendenhalls, Boyds and John Lees of this world do not get rich bucking Weird Harold.

You'll recall that a fellow named Buffett

tried it for awhile before quitting and signing on as a member of the Herald board of directors.

Inside KLIN Radio

Norton Warner, owner and general manager of KLIN radio in Lincoln, defies parody. You couldn't make up a confession of non-leadership to match his admissions to Herald sports writer Doug Thomas.

Why did Warner cancel a call-in show featuring Armen Keteyian, author of "Big Red Confidential: Inside Nebraska Football" after calling Husker Athletic Director Bob Devaney? Just listen to Warner:

"There was no pressure at all from the athletic department not to run it. Bob was a real gentleman on the thing. He just expressed the feeling that we might end up giving the guy publicity, which is just what the individual was after."

(Gee, Norton, don't let anyone on a call-in show who's after publicity.)

Why was awful Armen scheduled and promoted on the air? Warner explained, "Our first impulse, our first feeling, was it would give Lincolniters a chance to really get after this guy, really put him in his place."

(Or, with any luck, join the Herald editorial page in a lynching?)

"But as we got to looking at it," Warner added, "we came to the conclusion that we didn't want to do anything that's going to hurt our athletic department--and boost somebody who may or may not be a qualified person to speak on the subject."

That's not all. This station owner took his responsibility to serve the public interest so seriously that he also called Coach Tom Osborne. They didn't connect, but, "His secretary said he was definitely not in favor of running it," Warner volunteered.

"Devaney was not in favor of running it, but he treated it as our decision. He just gave us his views on it."

What a guy, this Devaney. What a gentleman. Why, he didn't even come right out and order Warner not to air Keteyian.

He didn't need to. Warner thinks he got his license from the FCC to boost the athletic department.

First and Foremost

Before the Herald lost its institutional memory, it was blessed with Hugh Fogarty as news editor and then managing editor.

The best excuse one can muster for some abuses by G. Woody (I've never heard of Ak-Sar-Ben) Howe and Bob (Who's Harold Andersen?) Pearman is that these editors don't know Omaha. It took them more than a week to figure out who Jackie Gaughan was.

Fogarty knew Omaha and still does. He helped last May when this column hunted for women working as general news report-

ers here in the 1950s. I won't rehash that pursuit, but it ended with my promise to report more about the state's pioneering women journalists.

Fogarty recalled working across the Bee-News desk from Bess Furman Armstrong in the late 1920s. More on Bess below, but she was far from our first woman journalist.

That status goes to Harriet S. Dakin MacMurphy (until one of you challenges this claim). She arrived in the state in 1859 at age 11, and started her newspaper career by writing, a biographer says, on "household economics" while her husband reported on legislative affairs.

In the earlier discussion here, we knew women wrote "society" and "household" news long before the 1950s. The question then was when did the Herald first hire a woman to cover other news.

With no disrespect for worthy work done by food writers and those who report stereotypical "women's" news, I wonder whether "household economics" isn't rather fancy for Harriet's role in the late 1860s.

"For many years," we also learn, "Harriet MacMurphy was the domestic science editor at the Omaha World-Herald." Ah yes, the old dom-sci beat.

Seriously, she also wrote editorials and fought for pure food laws before becoming the state's first food inspector.

If MacMurphy was first, perhaps Bess Furman Armstrong was best. She advanced from her father's Danbury News to the Kearney Daily Hub and then to the Omaha Bee-News from 1919 to 1929. The rest made history: Washington, D.C., and White House reporter for the Associated Press until 1937, top aide in the Office of War Information during World War II, then reporter for the New York Times from 1943 to 1962.

Notice a gap after 1937? She moved that year to McCook and gave birth to twins.

Before she died at age 74 in 1969, she published books on Washington and the White House, headed the press section of HEW under Jack Kennedy, led the Women's National Press Club and won many journalistic honors.

There. I've kept the promise made last May and you know a little about two memorable journalists.

Keep Your Eye On:

--A collector's item: any issue of the Herald without a picture of Gov. Kay Orr's latest photo opportunity.

--News stories from the Herald's newest beat, the KKAR "Talk of the Town" radio show with Steve Brown. It makes headlines.

SUBSCRIBE

Drug Culture Extension of Nation's Consumerism

by Skip Laitner

Finally. We seem to have found a popular war to declare. The question is--as it is with all wars to be fought--can it be won?

President Bush recently unveiled his \$8 billion plan to support the War on Drugs. Ninety percent of all Americans oppose the legalization of drugs. The Vietnam War certainly never had that kind of support.

Yet, for all of the fervor that is lining up behind the Bush Plan, more issues are being ducked than addressed. And unlike President Johnson's War on Poverty, or President Carter's declaration that energy conservation efforts were to be the Moral Equivalent of War, the War on Drugs means bloodshed and death.

There was absolutely nothing in the Bush pronouncements that seemed to show he understood the real cause of the drug problem. It is more pervasive than the Columbian drug thugs or even the casual drug users. As science-fiction writer Bruce Sterling observed, "Every society gets the drug problem it deserves." The more I think about that, the more I am inclined to agree.

Once we scrape away the statistics, once we get past the moral issues and the horror that drugs are causing in people's everyday lives, we will find that the drug problem is woven in the very fabric of American society itself. It is not for nothing that we are known as a "consumer" society.

At all levels in our lives we consume--anything and everything to make us more successful, more brilliant, more attractive. Steroids, for example, are widely used to increase body strength.

The drug companies are now working on what they euphemistically call medicines to increase our memory, to extend our intelligence, to improve our moods, to restore our hair losses and to enhance our sexuality.

But it is more than just the availability of all these products. It is the constant bombardment of advertising that coaxes us to use nothing but the "new and improved" products.

Think about all of the commercials which tell us that it doesn't "get any better" unless we have a good supply of alcoholic beverages on hand. Recall the litany of magazine ads which purposely equate smart, successful people with the latest fashions or the fastest cars and computers.

To all of this add the influence of television shows which persuade us that all of our problems can be solved in less than two hours. Only now can we begin to understand the origins of the Drug Problem. It is a cultural hunger for doing more and looking better.

Drugs are the logic and extension of a convenience shopping spree that buys us instant happiness. Woody Guthrie said it in a different way: "Everybody wants to go to

heaven but nobody wants to die." Drugs are not intoxicants to escape reality but technologies to make us superhuman--instantly and without work or effort.

Rather than the pursuit of happiness by whatever means, we should learn to enjoy the happiness of pursuit that is within our means. And that, in turn, means we have to

make major changes in the way we do business and in the way we go about our lives.

Unless we tackle these more fundamental causes of the drug problem, all the war plans outlined by President Bush will amount to nothing more than empty rhetoric surrounded by growing casualty lists.

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To Win Drug War, Legalize Drugs and Remove Profits

The following is excerpted from a longer article by David M. Elderkin, who is a trial lawyer from Cedar Rapids, Iowa, and former president of the Iowa State Bar Association. The original article appeared in the Des Moines Register.

I think our politicians have flunked history. Since the dawn of civilization, prohibition has never worked. We can cut off the heads of the drug-dealing monsters worldwide by the simple expedient of taking away their profits and using the enforcement money for greater educational efforts, more rehabilitation programs and publicity campaigns to inhibit consumption and discredit the drug custom. Why we don't do it escapes me.

The peasants in Colombia, Peru and Bolivia grow coca plants because the profits are infinitely above anything else they can produce. How do we expect that nation's police and judicial systems to suppress such an activity? And how do we stop it by sending in our own military? Do we have a big enough Army to go into all the countries that are in the drug business? Who would they shoot at? The enemy wouldn't face them with rifles, they would, with the help of their fellow citizens, bomb our barracks.

The students are mobilizing against us demanding an end to American imperialism and crying "Yankee, go home."

Domestically, stepping up law enforcement is fine, but whom do we arrest and whom do we prosecute? Most of the drugs available in the schoolyards are being peddled by children. A story in The New York Times told of a street corner in a poor neighborhood with a 12-year-old boy sitting on a milk crate selling crack. His mother stood by patting his head. The crack was being handed to him by boys as young as 7 who kept the crack in their possession so that the 12-year-old would not be caught with it. How do you stop a 12-year-old who is a failure in school from making \$1,000 a week tax-free? Will the soldiers get him or the police arrest him? And if you arrest him, what do you do with him? Do you put him in the new prisons we are going to build?

As far as that is concerned, how many adults can you put in jail? If you arrested all the drug pushers in the United States, there simply aren't enough prosecutors to prosecute them, courts to hear the cases and prisons to put them in.

Other than a full-scale military invasion of Colombia, Bolivia and Peru and creating a police state at home, we have no chance of curtailing the drug supply, no matter how

much we spend for police, for prosecutions and for prisons.

We can prevent civil war in Colombia, we can round up every drug dealer in America, we can clean up our law-enforcement departments, we can reduce the crime rate, we can reduce congestion in our courts and the overcrowding of our prisons by the simple expedient of taking the profit out of drugs.

We do it by decriminalizing drugs--all or them, cocaine, marijuana and heroin. A perfect solution? Obviously not. The perfect solution would be to eliminate drugs, just as the best solution to the smoking problem would be to eliminate tobacco and the best solution to the alcohol problem would be to repeal the law of fermentation. But it isn't possible. We must confront reality, and as with so many aspects of life, it is not easy.

To contemplate anyone being able to go to the corner drugstore and get drugs at little or no cost is startling. The immediate reaction is that this would increase the number of drug users. We are concerned with our children, quite reasonably.

But the reaction is emotional, not logical, and overlooks the fact that the peer pressure that starts kids on drugs comes from peers who are selling the stuff. It is much easier to get a youngster to just say no

if he or she doesn't have any friends who are pushers and twisting their arms to buy the stuff.

Drugs are readily available in the streets of any town in the United States, even for grade-school children. If any drug user can get the drugs at the corner drugstore for little or nothing, they won't be tempted to mug old ladies on the street, rob houses or turn a profit by selling drugs to the kid next door. And we won't have the example of a young mother, as happened in New York recently, turning over her 13-year-old daughter to a drug dealer to be raped for the price of a fix.

If the state dispensed the drug, it would give it the opportunity to keep track of the drug users and to offer them rehabilitation. And we could then get on with the real war against drugs. The weapons are education and treatment, the only possible way to deal with the problem. Drug use has dropped 37 percent in the last three years, certainly not because the supply has been choked off, but by education.

Freud once made the comment that the voice of the intellect is soft but persistent. As to our approach to the drug problem, it is certainly soft. Hopefully, it will be persistent. But I am not sure. Nor was Freud. He was a cocaine user.

Cleanup Slow, But County Approves Documents Unseen

The author is a spokesperson for People for Responsible Omaha Development (PROUD).

by Mark Himes

In dealing with the Riverfront Redevelopment Project, the World-Herald tends to read like a ConAgra public relations newsletter. When ConAgra moved into the first of its new buildings, a color photo on the front page captured the momentous delivery of a copying machine. It isn't surprising, then, that the subject of highly contaminated soil on the project site has gotten less than extensive coverage in the Herald. A recent article on the delays in the project caused by the cleanup of toxic wastes repeats the Herald's continuing failure to deal with some important facets of riverfront development.

The article, in the Sept. 11 edition, noted that rain and the cleanup of contaminated soil have pushed back until next spring the filling of the lake in Douglas County's riverfront park. Unfortunately, while the article delved into the details of a spat between the park project's general contractor and a landscaping subcontractor, there was little discussion of the reason for the delay in the \$3.7 million cleanup of lead and other toxic

wastes. Richard Schoettger, county chief administrative officer, was quoted in the article as explaining that state approval of the cleanup plan took about 50 days longer than expected. However, state approval had been obtained prior to an Aug. 9 World-Herald article in which the county's consultant in the cleanup project, Dale Jacobsen of HDR Engineering, Inc., estimated completion of cleanup operations within the month.

The hazardous wastes on the park site are being treated by processing the contaminated soil with a bonding agent (lime) to form a concrete-like mixture that is stable and prevents the still-present lead, arsenic, etc., from leaching into the groundwater. A 3- to 6-foot cover of clean fill dirt will be placed over the treated soil. The contaminants, contrary to the Aug. 9 article, "Lead, Other Contaminants Removed; Dirt Gets a Cleaning Along Riverfront," are not being removed from the soil. The site will require continuing inspection and regulation to insure that the buried waste remains covered and stable.

Overruns and errors in estimates have come to be expected in the ConAgra/Riverfront Project. A delay of a few weeks for the cleanup may seem relatively unimportant. Discounting the irritation it causes ConA-

gra workers, whose view is a dust bowl instead of a lake, the delay in completion of the park is at best an annoyance and at worst a cause for a breach of contract action by ConAgra. Yet the dust stirred up during the extended soil cleanup process represents a potential threat to the health of those exposed to it.

During the last half of 1988, and during 1989, the national and state ambient air quality standard for lead in the vicinity of the riverfront site was exceeded. Air quality was expected to diminish significantly during the cleanup operation due to the excavation, movement and stockpiling of contaminated soil. According to the county's agreement with the Nebraska Department of Environmental Control, the stockpiled soil is to be protected from wind erosion by a plastic covering weighted by tires. Several television reports have shown stockpiles with little or no cover; the Aug. 9 World-Herald article described the covered stockpiles. The longer the cleanup operation lasts, the greater the exposure and the health risk.

Whatever the cause for the delays, and despite the fact that completion of the park will be, at best, almost a year behind schedule, there has been no complaint from the county. According to Schoettger, the "con-

tractors have done a great job and the project is moving well." The unexplained delays in the cleanup process may, as the World-Herald has suggested, be attributed to the heavy rains. Perhaps the piles of contaminant-filled soil were covered with plastic when World-Herald reporters toured the site, and later uncovered for the benefit of television crews. The headline in the Aug. 9 World-Herald story falsely proclaiming the "removal" of contaminants may have been the error of a misinformed reporter facing a deadline, or the decision of an overzealous editor facing a publisher.

It should be noted that, for their part, Douglas County officials have been more than dedicated in attempting to speed the cleanup process along. At its Aug. 29 meeting, the Board of Commissioners approved a resolution accepting a document pertaining to the cleanup operation even though they had not been given a chance to see the document. (Needless to say, neither had it been made available to the public.) For the record, Commissioner Ray Simon stood alone in refusing to approve the resolution and became the first elected official in the sordid history of the Riverfront Project to have cast a dissenting vote.

Child Abuse Investigation

Continued from page 1

to have brought up: "anonymous threatening phone calls almost on a daily basis," one from someone he thinks he knows; a phone call when he first introduced a resolution to form the committee saying that "some of the biggest people in the Republican party are involved;" and a car that he knows follows him.

Schmit, in an interview with Lincoln Journal reporter Kathleen Rutledge, said he told them about it because "they wanted something and so I gave them something and they took off as happy as a hog in a mudhole."

Schmit, in the same interview, said about the possibility of seeking the testimony of Chief Wadman, "I would expect that he would be interviewed, yes."

More Stories of Abuse

Another person has begun to speak out about knowledge she has about child sexual abuse. Mary Lewis, who lives near the victims, knows five children and young adults with stories of involvement with Larry King, and says she still has contact with some of them. Four girls that she knows personally tell of having been taken in a van to locations in the Omaha-Lincoln area, or in a plane out of state, including Washington,

D.C., and Chicago, where sexual abuse occurred. The abuse was said to have happened in King's presence, sometimes at parties.

Lewis, along with Kirsten Hallberg, feels that reporting such information to the police does harm to the victims, in that they are put through extensive interviews, and then discredited. Both feel that it is unlikely that going through such channels would result in the perpetrators being brought to justice. Hallberg, responding to the July change in focus in the Legislative committee, decided to refuse any further cooperation with the committee.



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Is an Eight-Week-Old Embryo as Important as a V

by Frances Mendenhall

I expect the true believers in both the pro-life and pro-choice camp to reject most of this article. Why? Because when I try to talk about this stuff at social gatherings I get this lonely feeling—you know, polite interest that doesn't quite go as far as support or agreement.

Nevertheless, I believe that the majority of people—the ones who describe abortion as a "tough issue" but aren't activists on either side—will sooner or later feel at home with a point of view like mine. I suspect that the reason I don't yet feel much support from these folks is because we have all been badly brainwashed into believing that a compromise abortion position is a) unworkable, and/or b) too threatening to the basic

unconvinced that a fertilized egg is a person.

This is really the heart of the abortion debate. Politicians, judges, and, yes even journalists, who believe that fertilized eggs are persons should not only be willing to defend fertilized eggs from "death" by those contraceptives that prevent implantation (low-dose estrogen birth control pills, morning after pills, and IUDs, plus more in the future) with the same moral commitment they muster to defend more developed unborn life, but they should also be prepared for the political fallout that such an attack on contraception would generate. The judge in Tennessee who believes that the seven frozen embryos in the custody battle are children should give some thought as to whether whether it is in their best interests t be

zation is indeed the point at which personality begins.

Most people instinctively believe that there is more to personality than genetics, however, and science is on their side.

Personality, even at a very early stage, has to mean what the organism is *doing*. If the organism is a very small tissue mass, then what is that tissue doing? Is it digesting, contracting, respiring, conducting electrical impulses, or doing any of the things we identify as things that human tissue does? From fertilization until the time of implantation, the organism is doing only one thing: reproducing. When it implants, it starts to behave like a cancer in that it tears a hole in the uterine lining. Its goal is simply to seize the blood supply of the mother. All its cells are alike, and almost all are destined to become placenta, not baby. The cells resemble unfertilized egg cells more than any other kind of cells we know of. They are not a person.

But, pro-life people would ask, isn't this a unique individual, destined to become one of us if left alone?

Unique, yes (except for twins and clones, if cloning ever becomes feasible for humans). Destined to become an individual, not always.

Nobody knows how many fertilized eggs fail to implant, but some say as many as 60 percent. This may be loss of "life," but it is simply not a tragedy of the caliber of the loss of a baby.

Fertilized eggs are not individuals. Some of them become twins or Siamese twins, and some do the opposite of twinning, forming an organism called a chimera, which is the result of the fusion of two developing cell balls. (This does happen in human beings. See *Vox Sanguinis*, 54:52-56, 1988, Moores, et. al.) Some form only a placenta, some stop growing after forming a placenta with a barely developed embryo; these placentas

are called moles, and can cause such problems as infertility, bleeding and discomfort. By the logic of the pro-life argument, it would be killing to do a dilation and curettage in such a case, even if no embryo had been formed (although there would be no way to know), because the placenta alone is composed of cells of a unique individual, and, the argument goes, in this case is a unique individual.

So fertilized eggs are not individuals (you could say they haven't made up their mind whether to become one individual, one and a half individual, two or more individuals, half an individual, or no individual at all); they are not necessarily unique; and they are not always destined to become like us. The only thing that makes them different from unfertilized eggs is 23 pairs of paternal chromosomes.

Embryos Develop into Human Beings (Week Three to Eight)

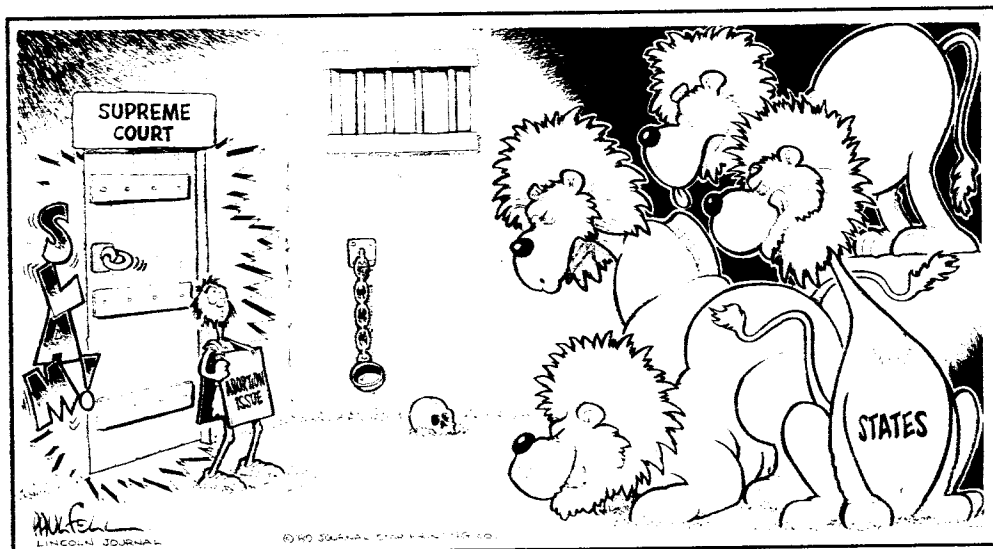
Implantation of the cell ball happens on the sixth day. After that, the cells start to specialize, and on the ninth day, out of several hundred cells, about 20 separate out to become embryo. From week three to week eight, the organism is called an embryo. This is a transition time. The cells, which had previously been acting like reproductive tissue, increase and specialize so that by the end of week eight the tissue types are starting to do what the tissues in "persons" do, for example, arms move, or nerves conduct electricity.

But from week three until week eight, the tissues aren't doing anything that specialized. They are forming layers, tubes, and masses which slide around and organize and take form. A primitive heart is contracting. One end starts to look head-like. During week four, there is a tail and gill pouches, a leftover from ancestors of humans. Until week seven there are sexual characteristics of both genders present. Limb buds form, then webbed hands, but no fingerprints or nails yet. There is no true bone, only the cartilage which is its precursor. Most of the head is comprised of two relatively big developing eyes, one on each side; it will be months before these eyes can see or even open. Embryos do not have the beginning of consciousness, because their nervous tissue is too primitive; it is not until week 10 that

electrical activity begins to happen in the developing organism. Embryos get as big as the end of your thumb. Human embryos look like pig or lizard embryos. Pro-lifers do not display pictures of embryos.

Fetuses are Undeveloped Human Beings (Weeks Eight to 36)

It is between weeks eight and 10 that the organism passes most of its major milestones. The organism is called a fetus from week eight



values at stake even to consider.

I make no claims that this is the perfect solution, because there is no such thing. It is, however, non-dogmatic and as honest a balancing of important realities as I know how to create.

If you believe that a fetus probably is a person but that a fertilized egg is probably not, then you might like to know what progress a fertilized egg makes that turns it into a person. This article is for you. Read on.

Fertilized Eggs And Fetuses

A recent decision in Tennessee awarded "custody" of seven frozen embryos to the woman donor who hopes to be impregnated with them. The judge ruled that the embryos were children.

The judge in Tennessee seems to have been convinced by the logic of the pro-life argument: fetuses, which have a lot in common with newborn babies, are obviously persons. If that is so, it is incontrovertible scientific fact that embryos and fertilized eggs are persons too. The goal of such arguments is laudable—to keep people from casually taking unborn life; but science does not support their conclusion of equating termination of early pregnancy with killing. Why do I say that? For starters, I am absolutely

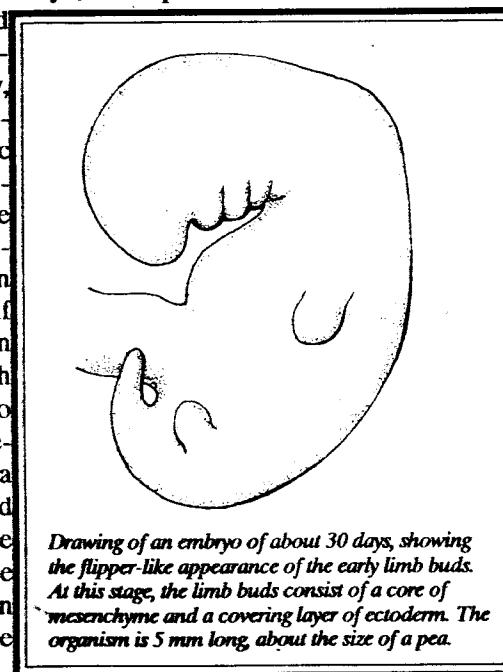
implanted in Mary Sue Davis' womb, since she has a history of problem pregnancy, no "child" should be implanted in a womb that probably can't keep it alive. For that matter, what will happen to the 4,000 frozen embryos already in existence in this country? Should they all get legal guardians? And suppose Mary Sue gets pregnant the first time, but does not want another child? Will the judge require her to have the embryos implanted anyway?

People who do not believe that a fertilized egg is a person should figure out whether, when, and how they think developing life should be protected and be prepared to say why.

A Fertilized Egg Is Not a Person

Here is a quick course in fertilized eggs, not from an embryologist, but from someone who understands and appreciates biological background enough to go and dig out some facts (I am a dentist when I am not a writer/publisher).

Life does not begin at fertilization; life began four billion years ago. However, some would argue that the life of a person begins at fertilization. If your definition of personality is simply genetic membership of one or more cells in the human species, then fertili-



Drawing of an embryo of about 30 days, showing the flipper-like appearance of the early limb buds. At this stage, the limb buds consist of a core of mesenchyme and a covering layer of ectoderm. The organism is 5 mm long, about the size of a pea.

ABORTION Woman?

until birth.

Fetuses look like newborns. By week 10 they can move on their own and their nerves produce measurable electrical activity. By week eight bone is beginning to replace cartilage and the face looks human. The hands now have lost their webbing, and have fingerprints and nails. Ten-week fetuses can move their arms, although they are so small that their mothers are unaware of it. Most of the organ systems are formed, and the fetus's own marrow is producing blood cells that perform some immunological functions. Still to come are the ability to breathe (22-24 weeks) and most of the nervous system's processes that we associate with consciousness.

Consciousness

How conscious is a fetus? Not as conscious as you and I; the nervous system is not fully developed in humans until puberty. We have to do some educated guessing about fetal "consciousness" based on what the nervous tissue looks like, since we cannot hook up an EEG to a being inches long and still in utero.

It is very difficult to identify the important landmarks in the development of consciousness. Neurological development starts early and is not complete until after birth. While there is electrical activity as early as ten weeks, it is likely that function does not come until much later; myelin sheaths around the neurons are an indication of mature nervous tissue--while these develop around the peripheral tracts at 13 weeks, they do not form around the spinal cord until near birth.

Similarly, brain cortex begins forming at ten or eleven weeks, but it is primitive and develops in a long series of steps until after birth. Vision also develops in a long series of steps. At birth, only points of high contrast can be distinguished since the myelination of the optic nerve fibers is incomplete until ten weeks after birth.

Criteria based on neurological development may be the most important ones. After all, we determine when life ends by when brain waves cease. There are, however, several problems. One is that in all probability, fetuses produce brain waves that are very immature at first which give no clue about what they feel, etc. Another is that we probably will never be able to measure brain waves in fetuses until very late in gestation.

For myself, I feel that personhood begins in stages rather than in an instant. This forces us to make messy ethical decisions, giving increasing weight to the interests of the fetus.

Too Orwellian a framework? Isn't this a case of some animals being more equal than others and a precedent for euthanasia? You wish it were more black and white? Well,

Menstrual Extraction: Terminating Early Pregnancy at Home

Most of the information for the following article was obtained from an article by Ellen Uzelac and distributed by the Los Angeles Times Syndicate. The Observer was not given permission to reprint the article as it originally ran because -- we were told by Jim Houck -- the World-Herald had exclusive rights to use it in the Omaha area. Below is a paraphrased version with a few of our own comments.

In the United States, about 50 percent of all abortions are done at eight weeks or before. In the Third World, early abortion, called a "menstrual extraction," is commonly done by paraprofessionals using an eight-inch syringe. Here, the technique, done as a home procedure, was beginning to be promoted by lay women's activists in the early seventies, and is now being revived.

Menstrual extractions can be done in 20

to 30 minutes, without electricity, anesthesia, or cervical dilation, and does not require a doctor. Self-help groups all around the United States are forming to teach the method and distribute the relatively simple supplies required.

In July, the Federation of Feminist Women's Health Centers demonstrated menstrual extraction at the National Organization for Women Conference in Cincinnati, but NOW President Molly Yard said that the group has no official position on the practice.

Carol Downer, executive director of the federation, however, found the response "remarkable." She said several thousand dollars worth of printed material and videotaped instructions, and menstrual extraction devices, were sold at the conference.

Downer has left her Los Angeles headquarters to conduct a nationwide tour to

teach the procedure at women's health centers.

Menstrual extraction, as the name implies, extracts a woman's menstrual period. It is done by inserting a four-millimeter plastic tube into the uterus, and applying suction. The contents, blood, clots, and embryonic tissue, are drawn into a jar. The equipment is sold by the federation for \$89.95, but, is said to be simple and can be bought at medical supply houses and even hardware stores.

The procedure is not recommended for use after the sixth week of pregnancy, and is frowned upon by the mainstream medical community, some of whom question its safety and effectiveness.

Besides terminating pregnancy, it can be used to cut down on cramping, and to avoid having a period during a vacation or athletic event.

maybe if nature and the design engineer had gotten together a little better here we fallible humans wouldn't have to play God; I can't help that. I do think that the irreconcilability of the interests here is of a magnitude unlike anything else in ordinary life--being a parent is a lifetime change even if you give a baby up for adoption. So, those of us who believe that euthanasia is wrong should find it much easier to draw the line clearly in that situation of more reconcilable values.

On the other hand, maybe the design engineer did give us some pretty serious--but not absolute--guidelines. It looks to me as if a virtual explosion of humanizing changes happen in weeks eight to 10. Before week eight the organism is comprised of very primitive tissue; after 10 weeks all systems are pretty much formed except for respiration and the nervous system.

Early Abortion is Less Tragic than Late Abortion

The most logical, "scientific" conclusions that I know how to draw are:

1) Fetuses are well on the way to becoming persons, and should be protected by every non-repressive means the human community can think of. The loss of a fetus is virtually the same as the loss of an infant, and is the more tragic if the fetus has begun to acquire the capabilities of consciousness. Only the most tragic circumstances (to be discussed on these pages soon) justify taking fetal life, and as development progresses, so should the difficulty of justifying abortion. At the very least, we can require that women contemplating abortions after eight weeks be informed of the facts of fetal development.

2) Embryos are the precursors of human beings. Early abortion--before eight weeks--is a tragedy of much smaller proportions than later, and the earlier the abortion, the smaller the tragedy. Until our world is so utopian that all babies are wanted and all pregnancies are planned, the human community should accept the need for early abortion, and encourage those who must

have abortions to have them before eight weeks. The drug RU-486 (effective only up to seven weeks, best used before week five) should be made available in the worldwide as quickly as possible. In the meantime, menstrual extraction (see related article) can be expected to be more widely used.

3) No abortion is desirable. The best public policy on abortion is to prevent the need for it by teaching people how to avoid pregnancy and by supporting women/couples with problem pregnancies so that parenthood is a real option.

Getting to Consensus

As things look in 1989, it seems very unlikely that citizens in the United States could ever reach a consensus on the abortion issue, and history has shown that law not based on consensus is doomed to fail. Even a compromise policy such as the one above would very likely be attacked by both

Continued on page 11

New Pro-Life, Pro-Choice Efforts in Nebraska

The New Covenant Justice and Peace Center will sponsor a conference titled "Toward a Consistent Ethic of Life," on Oct. 28, 8:30-4:30, at St. James Parish Center, 90th and Larimore.

The Consistent Ethic of Life, first espoused by Cardinal Bernardin of Chicago in 1983, challenged opponents of abortion to work to end the arms race, and opponents of the arms race to oppose abortion. Also linked were life and death issues including poverty, mercy killing, and the death penalty.

Keynoting the conference will be Lowell O. Erdahl, bishop of the East Metropolitan Minnesota Synod, Evangelical Lutheran Church in America, and author of *Pro-Life/Pro-Peace: Life-Affirming Alternatives to Abortion, War, Mercy Killing, and the Death Penalty*.

Former State Senator Vard Johnson and others have formed a political action group called Nebraska Voters for Choice. The group's purpose, according to president Elaine Waggoner, is to protect Nebraskans' reproductive freedom, including access to contraception and safe, legal abortion.

The group met to announce its purpose on the west side of the state Capitol in Lincoln Sept. 26. It plans to set up a Political Action Committee and raise money to be used for candidates especially legislative candidates, unless there is a more pressing need such as a specific referendum. It also hopes to lobby and monitor legislation related to reproductive freedom.

Asked whether the group might be considered "single-issue," president Elaine Waggoner did not object to that term.

Republicans Attack Kerry as "Soft" on Saving the Flag

Shall We Protect the Flag or the Constitution?

by Nat Hentoff

It can be a long, long way from July to September. In July, Gregory "Joey" Johnson -- the best-known flag burner in nation's history -- held a "People's Hearing" in Washington to protest Congress's rush to annul the Supreme Court's decision that he'd had a First Amendment right to send the flag up in flames.

A group of patriots heard from an unnamed source that the dreadful Johnson was also about to burn another flag -- on the Capitol lawn. "A dozen lawmakers and 20 other people," The Washington Post reported, "armed with fire extinguisher and buckets," rushed to the scene. But there was no scene. There was no smoking flag. So, the thwarted rescuers took their fire extinguisher and drenched Gregory Johnson in effigy, as they posed for pictures. Presumably for the history books.

Also in July, soon after that Supreme Court decision, Joe Biden, the ever-smiling chairman of the Senate Judiciary Committee, was one of the guests on TV's Sunday hour with David Brinkley and colleagues. They too were talking about rescuing the flag. When the program was over, Biden showed another participant in the program a brand new press release from the Republicans' agitprop shop. It attacked Nebraska Senator Robert Kerrey for being soft on saving the flag.

Kerrey had first been outraged by the Supreme Court ruling, but he changed his mind after he'd actually read Justice William Brennan's majority decision. Kerrey then decided that the freedom for which the flag stands is more important than the flag itself.

Bob Kerrey is rather unusual among United States senators. I think he's the only one who used to date Debra Winger, but what got Biden scared was that Kerrey is a Congressional Medal of Honor winner who lost his right leg below the knee in Vietnam. (That hasn't stopped him from running marathons on occasion.)

Leaving the ABC television studio, Joe Biden said that if the Republicans are going to go after someone with Kerrey's war record, imagine what they'll do to the rest of their "enemies" on this flag business. And this convinced Biden that the only way to save the Democrats from being forced to tag along on an Atwater-Bush constitutional amendment was to work out a statute that would have the same effect -- to remove First Amendment protection from anyone who ruins the flag.

That way, the Democrats couldn't be accused of being unpatriotic, and they would have prevented the first change in the Bill of Rights in 200 years. A statute is one thing, but tampering with the Constitution is

another.

The Senate Democrats, with very few exceptions, followed Biden. And the House Democrats, with very few exceptions, followed House speaker Thomas Foley, who had followed Biden. To unveil their flag statute -- much the same as Biden's -- after it had passed the Judiciary Committee, the house Democrats held a press conference.

And what do you think Tom Foley and the rest of the Yankee Doodle Dandies brought with them to the press conference? A flag. But not any old flag. This Old Glory had flown over the Capitol on the very day Pearl Harbor was attacked. And by gum, it had flown -- the AP reported -- "in Rome after that city was liberated, and over the USS *Missouri* when General Douglas MacArthur accepted Japan's surrender."

You could cry.

Meanwhile, however, something was going on out there in the country. Silence. Well, it was pretty close to silence. There were no caravans descending on Washington, with huge blowups of John Wayne and George Patton. There were no remonstrances with millions or even thousands of signatures.

It looked as if practically all the sustained fear and loathing of the Supreme Court's flag-burning decision had been centered in Washington. Not for the first time, the mood of the people had been misread by their "representatives."

And Bob Kerrey, far from being in trouble at home, reported that the folks in Nebraska, although they had at first felt a constitutional amendment was the way to go, now agreed with him that would be a dangerous route. "It looks like a hot political issue," Kerrey said, "but it isn't." And on the Senate floor he added: "On the face of the evidence at hand, it seems to me that there is no need for us to do anything."

Kerry also attacked the President for failing to lead the nation in protecting the Bill of Rights from mutilation by constitutional amendment -- and instead joining the mutilators.

By Aug. 12, Roland Evans and Robert Novak were writing: "conceding that most of the wind has gone out of the issue, President Bush is ready to drop insistence on a constitutional amendment to protect the flag and instead will sign a Democratic-sponsored flag protection statute when it is passed."

"That put the President in the position of signing a bill that he says is unconstitutional, according to the Supreme Court decision that set off the flag-protection debate. But White House aides argue a veto of the Democratic bill would ironically put him in the same position as Governor Michael Dukakis, battered by Bush in the 1988 presi-

dential campaign for vetoing a pledge of allegiance statute in Massachusetts because he considered it unconstitutional."

What a marvelous prelude all this is for the 200th anniversary of the ratification of the Bill of Rights in 1991. The president of the United States, the Democratic and Republican leadership of the House and Senate, most of the rank and file of both parties, and a pride of constitutional law experts -- Larry Tribe, Walter Dellinger, A. E. Dick Howard, Henry Monaghan, William T. Coleman, Mario Cuomo and Rex Lee -- all toasting a new law that kicks the First Amendment in the teeth.

The flag-protection statute that will pass the House on or around Sept. 12 and the one that will pass the Senate around Oct. 16 or 17 say that you can be imprisoned for a year, or fined, or both for mutilating, defacing, burning, displaying on the floor or ground, or trampling on a piece of cloth on which is imprinted the flag of the United States. It is a criminal act whether you do these whether you do these terrible things in public or in your own apartment in the dead of night (provided someone informs on you).

And, say both House and Senate statutes, you can't say in your defense you were mutilating that cloth because you were angry at something the government had done or had not done. Motivation doesn't count, and that makes it a wholly dishonest bill because, as a majority of the Supreme Court emphasized in *Texas vs. Johnson*, the "flag is pregnant with expressive content... (N)othing in our precedents suggests that a State may foster its own view of the flag by prohibiting expressive conduct relating to it."

Nor can the federal government, or any state government, successfully claim that it has unilaterally removed all expressive conduct relating to the flag in a statute punishing people for being disrespectful of the flag. This is simply another way -- a deceitful way -- of "prohibiting expressive conduct" in the burning, trampling or defacing of the flag.

When Gregory Stone, dean of the University of Chicago law school, testified before the Senate Judiciary Committee on Aug. 1, he said something that, so far as I know, was not reported in the press -- but should have been. He was talking of the Biden Flag Protection Act (co-sponsored by Republicans William Roth of Delaware and William Cohen of Maine).

If this proposed legislation, said Stone, "is nothing more than a cynical effort to circumvent the decision of the United States Supreme Court in *Texas vs. Johnson* -- and to suppress the use of the American flag for the expression of ideas that are offensive to the American people -- you should think twice, three times, before you support this

legislation. Indeed, in my judgment, a member of Congress who supports this legislation for such reasons would violate the oath of office." Members of Congress swear to uphold the Constitution.

The flag-protection acts in both Houses will pass by huge majorities. During the debate, no one is going to accuse his or her colleagues of violating their oaths of office. After all, Frank Capra is not directing this picture and Joe Biden is not Jimmy Stewart in *Mr. Smith Goes to Washington*.

If there is a subsequent vote on the Bush-Atwater constitutional amendment to protect the flag, I doubt if the necessary two-thirds of the House and Senate will send that amendment out to the states -- 38 of which would have to ratify it.

During the August recess, when Representative Mike Synar went back to conservative Oklahoma to listen to his constituents, they were exercised about the new surtax on the elderly to cover extended illnesses, product liability, jobs, and, of all things, Israeli conduct in the Occupied Territories.

But only two people talked about flag-burning, and when asked by a New York Times reporter, another said: "It's just a bunch of nuts. I think there's more important things Congress should spend its time on instead of fooling with that."

Later this month, I'll be talking to teachers in North Carolina about the First Amendment. The grotesque carryings-on around the Supreme Court's flag decision will be my lesson plan. There's a lot to learn from what happened between July and September, and I will suggest that kids also be told about a Washington attorney, James H. Warner, who was imprisoned by the North Vietnamese from 1967 to 1973. He was tortured, he was in solitary confinement for 13 months, and he suffered from malnutrition.

During one interrogation -- Warner wrote in the July 11 Washington Post -- "I was shown a photograph of some Americans protesting the war by burning a flag. 'There,' the officer said, 'people in your country protest against your cause. That proves that you are wrong.'

"No," I said, "That proves I am right. In my country we are not afraid of freedom, even if it means that people disagree with us."

"The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting, I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him."

LETTERS

White-Collar Criminals Shouldn't Be Favored

The following is a copy of a letter written to U.S. District Court Judge William G. Cambridge.

September 12, 1989

Re: Plea bargain offered to the Harvey family, in connection with the pilfering of Franklin Credit Union funds.

Dear Judge Cambridge:

In this morning's edition of the Omaha World-Herald, I read about the sentence you imposed on a man named Stephen J. Milbourn for conducting a scheme that bilked the government out of nearly \$200,000 from the Guaranteed Student Loan Program. You gave him 24 months in prison, three months probation following prison and ordered him to pay \$194,000 restitution.

Although others were involved in the scheme, and although his lawyer asked for probation, you declared (based on the W-H account):

"Your attorney is very persuasive. But I don't believe this is a case for probation. There is too much money involved. It's close to \$200,000. If I were to put you on probation, it would not be enough of a deterrent to others. Your crime caused serious harm, and there are no grounds to excuse the crime. If I placed you on probation, the

message would be that you could do this again."

Judge Cambridge, I hope you meditate on your own words as you consider the case of two people who engaged, over a long period of time, in criminal conduct involving deceit, fraud, general dishonesty and theft. Their harm was far more damaging (destruction of a credit union needed by low-income people) and direct (nuns lost over \$1 million as a direct result of being lied to and misled by Thomas Harvey) than the abstract harm to the government.

I am sure you are aware of the sentence handed down by the federal judge handling the Jim Bakker case, to the two Bakker underlings who pleaded guilty and agreed to testified against Bakker as part of a plea bargain: one received 18 years and the other 17 years in prison.

That judge declared that white collar criminals believe they should not be treated as other criminals and expect to be given special consideration. He said such attitudes must be shown to be wrong and that favored treatment for white collar criminals must stop. *Keep in mind that the two had not stolen nearly as much as was involved in the Franklin case, and both had pleaded guilty*

and agreed to work with the government in its case against Bakker.

I certainly hope that racism does not play a significant part in the way the Harveys are to be dealt with by your court. Already they have been allowed to shield others of their family from prosecution for their part in benefiting from Franklin funds, illegally.

My bias, I readily admit, is toward the poor, the ill, the ignorant--those persons whom society finds it easy to treat harshly and lock up, not because of what they have done but because of what they are. And it is these very people who are despised and rejected that wind up doing the heavy time in prison that "good white people" such as the Harveys are too busy to do.

Judge Cambridge, you have carved out the beginning of a standard by the sentence

you gave Mr. Milbourn--who got away with far less than the Harveys. And he did not wrap himself in a banner of righteousness, hide behind a sham profession of religion and coldly steal from those least able to afford to be victimized.

If you "go light" on the Harveys, in view of the types of things brought to your attention (and I am aware of their exertions in having people write you letters about how "good" they are and that they should not have to serve time), it can only be because you hold to the belief that white criminals should be given favored treatment and that those who steal from nuns are less culpable than those who steal an automobile.

Sincerely,
Ernie Chambers
State Senator

Anti-Orr Cartoon in 'Lousy Taste'

To the Editor:

I read with interest your article regarding the bias and unfair support that the Omaha World-Herald was giving to Governor Orr and how it had backfired on them. One could logically conclude that you believe in fair and correct reporting; however,

this editorial cartoon (Aug. 30) is neither. The inference is the property tax problem is her doing. I am not exactly an ardent Orr fan. However, I do believe in fair play and feel this is in lousy taste.

--Gary Condon,
Pender

HELP WANTED:

Nebraskans for Peace is seeking a full-time employee to work in Nebraska's Third Congressional District. The job will consist of organizing for peace and justice issues, and building and maintaining NFP chapters in the district, and will begin January 1990. The job requires creativity and enjoyment of people. The board, said to be spirited and enjoyable folks, promise to be good people to work for.

Applicants from North Platte or Kearney preferred. Contact Jeff Tracy, P.O. Box 125, Scottsbluff, Neb., 69363, by November 18.

AIDS Antibody Testing Recommended as New Techniques to Slow Disease's Progression Appear

The Nebraska AIDS Project was gratified to hear the recent announcement by HHS Secretary Louis Sullivan regarding use of AZT to slow the progression of the AIDS virus--even among those showing no symptoms of the disease. John G. Coe, president of the Nebraska AIDS Project Board of Directors, agreed with Secretary Sullivan in stressing that "we are indeed entering the period when AIDS may become a treatable disease" while also recognizing that AZT is not a cure.

Shortly after the announcement by Secretary Sullivan, the Gay Men's Health Crisis, based in New York City, issued a statement strongly urging voluntary HIV testing. Richard Dunne, Executive Director of GMHC, said that before this latest development, there may not have been such compelling reasons to get tested since "there was virtually nothing people who were infected could do except wait for the first symptoms of AIDS to appear." Now, however, early testing combined with treatment even prior to specific symptoms may slow the development of AIDS and even prevent some HIV-related illnesses.

A simple blood test helps determine if HIV infection is present. Pre- and post-test counselling are integral components of each testing program. In Nebraska, test sites at

numerous locations have varying operating hours to meet the needs of many people. Specific test sites are listed below or may be obtained by calling the Nebraska AIDS Hotline at 1-800-782-AIDS.

Test sites operating at Nebraska Health Department facilities are completely confidential. The test site operated at the office of the Nebraska AIDS Project at 3624 Leavenworth in Omaha is anonymous.

The Nebraska AIDS Project is a private, non-profit organization set up to "assure an organized, committed, and quality response to individuals and communities impacted by issues of HIV infection in the State of Nebraska; and to provide service to persons in Nebraska affected by AIDS or HIV infection."

Barbara Shaw, executive director of NAP, said it is the goal of NAP to help each community in Nebraska set up a voluntary network of resources and services providers so that, regardless of location, an individual or family will be able to receive the support needed. NAP seeks to work with all agencies throughout Nebraska who are striving to meet this need. "As new treatment methods are discovered and improved almost daily, it is more vital that each of us learn how to live with AIDS and how to help others learn these coping skills," Shaw said.

"NAP exists to help all Nebraskans face these issues."

AIDS antibody testing is available at the following locations: Douglas County Health Dept.--402-444-7214; Lincoln-Lancaster County Health Dept.--402-471-8065; Nemaha County Health Dept.--402-274-4549; Grand Island/Hall County Health Dept.--308-635-3866; Nebraska Dept. of Health in North Platte--308-534-6780; and the Nebraska AIDS Project--402-342-4233 or 1-800-782-AIDS.

QUAYLE WATCH

The Congressional budget office turned down Marilyn Quayle's \$200,000 request to remodel the Veep's quarters for bedrooms for the children, so she went around the budget office to a House committee staffer and got the money put back in.

Husband Dan was quoted in the Wall Street Journal: "I believe we are on an irreversible trend toward more freedom and democracy--but that could change."

Meanwhile, Dan was photographed in the June 26 issue of Time Magazine holding a Soviet-made grenade launcher backwards, aimed at his own elbow.

Fairness and Nebraska's Eroded Tax Base

by Donald Macke

Gov. Kay Orr and members of the Legislature are crossing Nebraska to seek solutions to the burgeoning crisis within Nebraska's personal property tax system. This crisis offers many challenges as the cost continues to climb into hundreds of millions of lost revenues. But in addressing this crisis there are also major opportunities to strengthen the tax base of non-metropolitan Nebraska and interject greater fairness into the overall tax system.

Immediate Options for Action

The Governor or any other state leader willing to seriously consider solutions should negotiate with the major parties litigating the unfair personal property tax system. As is the case in Kansas, there is considerable opportunity to maintain a significant portion of the personal property tax base through a negotiated settlement. But, the Governor and Tax Commissioner must be willing to address the legitimate fairness issues raised by the railroads, pipelines and telephone companies. These corporations have not argued that they shouldn't pay personal property taxes, but that it is unfair for them to be the only payers of this tax.

Additional Legislative Steps Needed

Even a compromise will leave a significant revenue source eroded; other taxes or revenue sources will have to be sought or spending cut -- an opportunity to make some excellent improvements in our tax system.

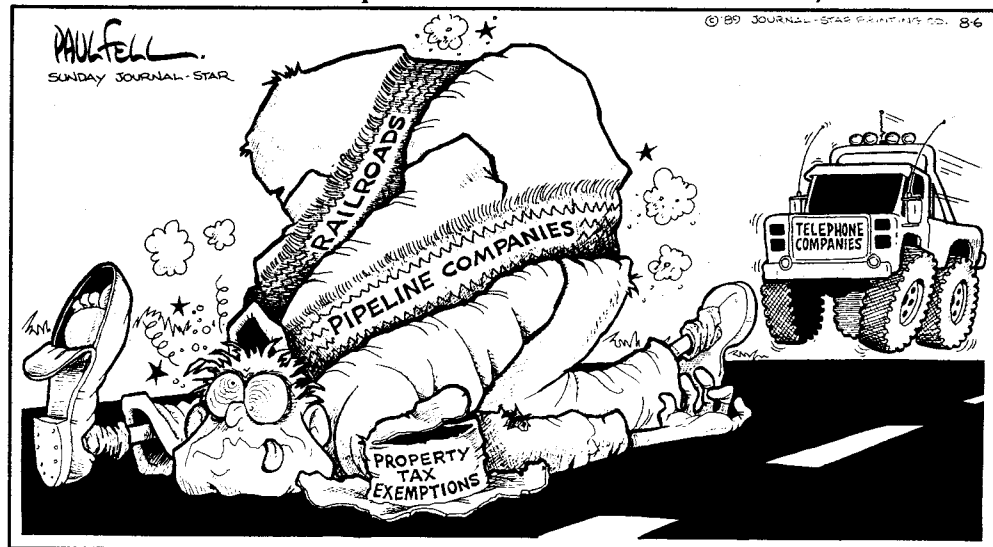
1: The tax base of most counties and municipalities is inadequate and tax burdens are particularly excessive in the more rural areas of Nebraska. The time may be right to provide these communities with a new, expanding and non-property-based tax revenue -- a services tax. Such a tax would cover selected personal services such as haircuts, dry cleaning, landscaping services, and so on, but would exclude basic life services like health care. This approach would be relatively progressive and could be targeted to local governments based on need.

2: State government should consider additional local government responsibilities under its umbrella. Criminal justice, special education, community colleges and other costs could be shifted, in part or entirely, from local tax rolls to state tax rolls. Freed local revenues could combine with the selected-services sales tax to offset the loss in personal property tax revenues.

Of course, such a shift would require expanded state revenues. Several sources come to mind which collectively could meet these expanded needs. First, increase rates for upper-income taxpayers. The tax cut for gold-, silver-, and even bronze-collar earners was excessive. Second, eliminate the one-time capital gains tax exemption and enact a law allowing Nebraska to collect capital gains taxes even if people leave the state. Third, repeal LB 775, the bill allowing tax incentives for economic development.

3: There must be a critical review of all tax exemptions enacted over the past decades. Some of these exemptions merit retention, but others should be repealed. An even balance needs to be achieved and maintained within the tax structure so that a dollar gained in one area results in a dollar reduction in another area, thus distributing the tax burden more equitably, instead of storehousing much-needed monies.

Don Macke is Senior Partner of Economic Research Associates, Lincoln.



McCarthy on the Loss of Robert Penn Warren

by Colman McCarthy

WASHINGTON -- In a 1980 poem, Robert Penn Warren, who died at 84 this month, used the word appallment. That was the first I had seen it. A look in the dictionary turned up appallingly, an adverb, but no appallment, a noun.

I phoned Warren at his home, in Fairfield, Conn. His wife answered. When I explained the reason for my call, she let me know, politely, that with her standing guard over the time of one of the West's literary masters I'd have a better chance of getting through as a phone solicitor selling vacation homes in Vladivostok. Besides, she and her husband were just going out and were already late. But thanks for calling.

Warren, perhaps putting on his rubbers in the foyer, overheard his wife. From the mufflers, she had put her hand over the receiver. No doubt practiced in dispatching pests and groupies -- they're the same after a while -- she was likely waving him off with the other hand.

It didn't work. Moments later, Warren came on. His voice -- soft-drawling, restful -- reminded me of his Southern-life novels that I had read 20 years before, and some of his poems, too, such as "Boyhood in Tobacco Country." For a few generous minutes, Warren talked about appallment, speaking like a gourmet chef over a kettle happy to spoon flavorings of some fresh-simmering vocabulary. He knew the word

wasn't in the dictionary, he said, but piffle: "If you're writing and a word is needed, you create it. This is a word that ought to exist. I've invented several other words. Appallment is my latest."

"If you're writing and a word is needed, you create it. This is a word that ought to exist. I've invented several other words. Appallment is my latest."

I remember not doing anything useful the rest of that day, so deep was the reverie of talking with Robert Penn Warren about language. It was being a sandlot kid calling up Joe DiMaggio for his ideas on hitting. "What is man but his passion?" Warren asks in the first lines of "Audubon: A Vision," with his own passionate commitment to precise and soaring words assuring that his poems stood, as he hoped, "as a vital emblem of the integrity of the self."

Unlike in the best of Warren's novels -- beginning with the 1946 "All the King's Men" -- in which the essential material was plot and characters, his poems relied on "some kind of vital image.... That's a different thing from the vitality you observe or experience. It's an image of it, but it has the vital quality, rather than a passing reflection, but it has its own kind of assurance, own kind of life, by the way

it's built."

Warren's usage represented a digging for preciseness, of expressing the writer's integrity of serving the reader. In the preface to his dictionary, Samuel Johnson said, "Write without effort and they read it without pleasure." Warren, dogged in spending effort on the right word, said it another way: "A lot of current can come through a small wire."

As it did, in the electricity of such adjectives as gracility and instancy and such verbs as unspool. He liked words ending, as did appallment, in m-e-n-t: enchainment, embracement. Once he came up with the word unwordable:

*You dream that somewhere, somehow, you may embrace
The world in its fullness and threat, and feel, like Jacob, at last
The merciless grasp of unwordable grace
Which has no truth to tell of future or past.*

The purity of Warren's language came from his disinterest in much else. "I've been a lot of places," he said, "and done a lot of things, but writing was always first. It's a kind of pain I can't do without. It's not a particularly fun way to live. It's just scratching where you itch. But it's my life."

Some of Warren's poems were metaphorical, and others were complex in their cumulative enlargements of image. He liked

to assure beginning writers, as well as students, that a poet's inspiration had birth in the ordinary: "You don't write poems sitting at a typewriter, you write them swimming or climbing a mountain or walking." Another time he said, "Lines, verses, even stanzas, come to me at odd moments -- perhaps the best when I'm swimming. Swimming frees the mind. There's something about the rhythm of swimming -- or running. The body is occupied, the mind is free."

So, too, are politics. In 1930, Warren joined other Southern intellectuals to produce "I'll Take My Stand," a pitch for reactionary bromides regarding race. A quarter-century later, his liberalism surfaced in "Segregation: the Inner Conflict in the South," followed by "Who Speaks for the Negro?" in 1965.

Warren resisted the role that tempts so many heirs of the confederacy, that of the professional Southerner ever explaining the region to the rest of the world. He lived in New England, for one thing, and his breadth was larger than a geography. He believed that a person who reads a piece of writing is "establishing a relationship" with the author "through the medium" and both become "part of the human community."

That's why that phone call was a thrill. Warren's poems had long spoken to me, and now he was. On a small wire, current came through.

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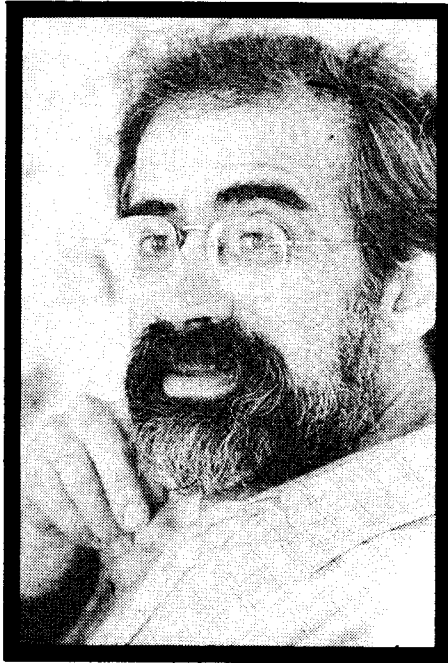
US Ecology: Stalling, Penny Pinching, Leaks

by Lynn Moorer

Radioactive waste management expert Dr. Marvin Resnikoff of New York City said a movement is growing nationally to challenge and repeal federal low-level waste laws.

Resnikoff was the keynote speaker at a Sept. 17 rally in Nora, Neb. Nearly 1,500 people from five states attended the rally, which kicked off a citizen lawsuit challenging the constitutionality of the federal waste policy act. Resnikoff told the audience that the battle can be won through "dedication, determination," and unity of constituencies on a statewide level.

Resnikoff, who earned a Ph.D. in high-energy physics, advises Maxey Flats Concerned Citizens, Inc. in Kentucky on remediation and closure of US Ecology's leaking radioactive landfill under a grant from the



EPA. He is co-founder of the Radioactive Waste Campaign, and is now Senior Associate at Radioactive at Radioactive Waste Management Associates. His "Fact Sheet: Transporting 'Low-Level' Radioactive Waste" has just been published by the Campaign.

Following are excerpts of his rally speech.

US Ecology

US Ecology and all the high priests of radiation at the universities are making long-term promises...they can't keep. They're making promises that even the powerful pharaohs of old couldn't keep. As soon as the pharaohs were gone, the jewels were taken from the tombs.

US Ecology has had a terrible track record. It's been one of the worst actors...produc(ing) Sheffield, Ill.... (and) Maxey Flats, Ky.

One of the things that's bothered me a lot about this company (is) their respect radiation, their respect for what it can do to you in terms of health effects. They don't anticipate problems.... They wait for the state to tell them to do something, and even then they drag their feet.

They're a very litigious company...always fighting with lawyers and lawsuits. They never admit their mistakes. And they're the company that's (supposedly) easy to regulate.

Maxey Flats

(US Ecology) can put on a whole facade here in Nebraska but I know a different story in Maxey Flats.

Maxey Flats sits 300 feet above streams that go by it. Water began to leak into the waste site, to corrode, and waste began to degrade... packages. The contents of the trenches began to settle, covers began to settle crack, (and) water got in and radioactivity started to leach -- not just tritium, which is radioactive water, but...Strontium-90 is leaking out right now. (Also leaking is) Americium-241 (which) is an alpha emitter -- very serious if you inhale the material.

Finally, the State (of Kentucky) took over the site. (It) had to pay US Ecology to quit accepting waste...They covered it over with 27 acres of plastic. People continually have to repair the plastic (because it) gets very hot in the summertime and cold in the winter (and) it cracks and tears. But it...has kept the water out and slowed down the amount of radio-

activity...coming out of the site.

The site is now on the Superfund list which (includes)...all the bad actors around the country, all the bad waste sites.

They should definitely have a law on the books in this state that says no company can operate a waste site if they have other waste sites...on the Superfund list. That's a very bad mark on your reputation.

Under the Superfund Legislation everyone is responsible for paying for the cleanup. In Kentucky...all the waste generators and US Ecology have gotten together to decide what to do with the site. (T)hey're suggesting...one of the least expensive alternatives...called dynamic compaction." (They would) take weights and...drop them on the waste trenches and make all the contents settle down. They're saying..., "We're going to bust all the barrels and...smash the waste trenches down and...cover them over again." Rather than to come back year after year, they (would) try to squish the waste trench down in one fell swoop which means a lot of radioactivity will become loosened at one time.

We've suggested another alternative which is (to) turn all the waste trenches -- which (contain) liquid and mushy paper and (similar) materials -- into solid blocks of...high-tech grout--an ultrafine cement...(They) don't like that idea because...(it) costs them a lot more money than just dropping weights on the trenches. That's one example of US Ecology trying to

pinch pennies. While they promise you a goldplated facility here in Nebraska, over in Kentucky they're pinching their pennies and not so concerned about public health and safety.

Transporting Law

(US Ecology) is going to tell you that there's no problem with nuclear transportation. (Quoting from)...their very irresponsible newspaper called, "US Ecology Progress," it says, "Radioactive cargo has been traveling the nation's roads for the past 25 years, yet there has never been an injury caused by the materials being transported." That statement is irresponsible.

(F)rom 1971 to 1985 there have been 1,035 accidents involving nuclear materials,... 90 of which have lead to spilled containers (where) radioactive material has gotten out.

(One) accident occurred.. in Wichita, Kan., in 1979 concerning yellowcake, which is uranium concentrate. That material leaked out of... approximately 50 drums and got onto the highway. It took them eight days to clean up that material. The fire chief--Fire Chief Miller--was the first one on the scene and walk(ed) through the (radioactive) material that got onto the highway. Of course, as a person walks through it, it kicks up into the air and people inhale it. He died of lung cancer in 1985. No one mentioned this in their literature. I notice US Ecology didn't. I'm not saying that (Miller's) lung cancer was caused by this uranium because... it doesn't wear a flag.

(R)adiation... increases the chance that you can get cancer.... We're not going to know which persons get cancer specifically.

Embryos

Continued from page 7

camps. This polarization is unfortunate, and is partly the result of the fact that the Supreme Court, in Roe vs. Wade, cut off the dialogue just as states were moving toward compromise policies. Pro-lifers felt compelled to take drastic measures. Pro-choice people adopted a none-of-your-business attitude on the matter of when personhood begins, and are now on the way to adopting the single-issue tactics they learned from the pro-life movement. The sooner our country can heal these wounds and start talking to each other the

We're just going to see a general increase in the cancer rates. The radiation dose you receive (makes) it more likely you'll get cancer. And... you can't say (a certain) lung cancer was caused by (exposure) to uranium because it doesn't wear a flag. It doesn't say, "Mine was caused by smoking. Or mine was caused by uranium oxide." Cancers don't wear flags.

You can't say... when people have been exposed to radioactive materials that have leaked out... that the material has not caused an injury. That's an irresponsible statement because each amount of radioactivity increases the chance that you'll get cancer.

But it's representative of the... cavalier attitude that US Ecology displays toward radioactivity.

Nebraska Dump

This goldplated waste facility which US Ecology is promising you now is going to be very expensive. The generators are going to want to cut the costs.... The facility that they're promising you is either not going to be the same facility that's going to be built or there's going to be a lot more waste coming into it. I can guarantee you that.

Waste Solidification

Every time there's a radioactive waste accident they say, "We cleaned it up. There's no problem now." Because these cleanups are going to occur rapidly, sometimes the utilities are going to have wet waste and they're going to bring it (to the waste facility).... I don't believe for a minute that (the utilities) are only going to send little blocks (of solidified waste) and... (it's) not going to leak out.

better.

The good news is that compromise policies such as the one above have been adopted by most Western democracies, and so it is not unrealistic to hope that, given a little room for dialogue, our country can allay the worst fears of both sides and move in a better direction. Stranger things have happened, after all, we are now living to see the Chinese learning to like the Russians and East/West divisions of the Cold War about to end. I myself have too many good and trusted friends on both sides to give up.

*The Nebraska Observer
is the perfect gift
for any occasion*

Pulitzer Prize Nominee calls it Quits.

Polk Progress to be Put on the Market

Reprinted with permission from the (Lincoln) Journal-Star Printing Co.
by Betty Stevens

Saying he will be 76 years old next month and needing more sleep, Nebraska's master newspaperman is going to put his paper on the market.

Norris Alfred, publisher, editor, ad salesman and reporter of the Polk Progress, where the masthead proclaims "Slower Is Better," wrote in a front-page column in the fifth edition of the newspaper's 82nd year dated Sept. 21 that when he gets back from fishing next week, he will explore ways to rid himself of the publication.

As if being 76 and needing more sleep weren't enough, the newspaper's Model 14 Linotype is trying to die. The Model 5 Linotype expired about a month ago and the paper moved from eight pages to four.

The weekly Progress is one of only a handful of newspapers in the nation that still uses hot type and a century-old press. The equipment was irrelevant to the candor of Alfred's observations, written with acid as well as ink and in a style that suggested that he may never have heard of libel laws.

But he was half poet.

In the current column, he writes: "The future is no longer seen as a road stretching endlessly beyond the horizon into the mists. Now, I'm closing in on the mists and vague shapes can be seen, flitting in the fog — a forming of imminent events that had only existed in distant imagery."

He was nominated for a Pulitzer Prize in 1980 but lost to the Wall Street Journal. That nomination, however, put the 1,000-circulation Progress in the national limelight. The editorially Democratic tabloid is

read in 45 states and several foreign countries.

The Nebraska Press Association gave him his highest honor, naming him Master Editor-Publisher for 1989. It was the most recent of a string of honors.

In his column, he wrote that he was waiting for Barb Fennel, his right-hand woman, to quit, but in 18 years she has never said that, so "now I have to say it."

Alfred was born in Polk County and came home to buy the paper in 1955. His first newspaper job was with the Crete News. He worked there and in the college printing shop while he attended Doane College, from which he graduated in 1940.

Alfred closed this week's column with a quote from his March 2, 1972, column: "Sitting is the most civilized position a human can assume." And then he added, "I plan to do much sitting."

Part-time mailers at the *Hamilton Spectator* in Hamilton, Ontario went on strike June 9 over the issue of pay equity. The 95 mailers, nearly all women, earn \$7.20 an hour. The Newspaper Guild is asking for an immediate \$2.00 pay equity raise to bring the mailers' salaries in line with helper-loaders, who are mostly men. Ontario's new pay equity law requires companies with more than 500 workers to design a pay equity plan by next January 1. The *Spectator* has hired scabs to replace the mailers, but the union has countered by distributing subscription cancellation cards at a steel mill and other workplaces in the heavily-unionized Hamilton area.

School of Choice Educates last chance Students

by Colman McCarthy

PAHOKEE, FLA.—I have been to high schools where principals try to impress visitors by citing the elite colleges that last year's graduates attend. Some schools, often the privates, have brochures listing the name brands, from high-status Amherst to higher-status Yale.

I find myself thinking: What does where students go have to do with their education? Why not emphasize what matters: This is what we do with the kids while we have them here.

That is one reason, among many, that I am refreshed by a stay at the School of Choice, a last-hope and last-chance alternative school that has 250 students here in south-central Florida. The principal, Antoine Russell, and Jackie Betz, the environmental teacher, both much-loved educators of much-overlooked students, describe the daily courses and programs by which they and a faculty of 21 serve slow-learning, catching-up or at-risk kids. Most of the students are ones other county schools or teachers gave up on or outwaited until they could be legally dropped or processed into the margins.

Pahokee may seem an unlikely scene for this kind of excellence and dedication. In the rural outreaches, it's all but unfindable for any reason. With Lake Okeechobee to the immediate west and nothing but cane fields for seemingly endless miles south and east, this small and predominantly black town has been languishing for decades in the torpor of rural poverty. Wherever the eye turns here, grassy tops of sugarcane, ripe

and high in late summer growth, rise to the horizon. The local economy is dominated by several large sugar corporations that oversee 400,000 acres of cane that ring the southern shore of Lake Okeechobee.

Sixty miles west in Palm Beach County are oceanfront estates of wealthy whites, while in parts of Pahokee rural Third World conditions prevail. The impoverished of that world will soon be here: 10,000 black cane cutters imported from Caribbean islands to labor in treacherous conditions about which most Americans know nothing and in which no American — none — is working.

The School of Choice is called that because its students, a majority of them black, are what Antoine Russell calls "choosers not losers." Many had failed at other schools, or found them boring or frittered away their opportunities. To be here, a conscious choice must be made, ranging from the ordinary I-hate-school-but-I'll-try-it-one-more-time attitude to a positive response to a caring faculty that is here also due to choice — the challenge of working with the near-lost. On admittance, a five-day trial period follows. "They can see if they really want to be here," said Russell, who had taught and coached football for 17 years at Pahokee High School.

I was wary of the football background. Would Russell turn out to be another drill sergeant principal, a rural Joe Clark who communicates by shouting and rules by fear? It is, happily, the opposite. "I go after them with kindness," Russell said. "The kids bring in their problems and I try to solve them. I don't believe in being negative. I know that

some of my teachers get angry with me for being too nice. But harshness doesn't work."

It was this philosophy, backed by an enlightened county school board, that attracted Jackie Betz to Pahokee. Only a few moments elapse before a charge of excitement is felt in her classroom. This is your world, she is telling the five students in fourth period environmental science, and what we'll be studying in the coming year is as relevant to Pahokee as to the greatest cities on earth.

After class, while walking to the principal's office, Betz explains her educational goals: "You can't sit around and tell kids about saving the environment, cleaning up toxic waste or picking up litter, if they don't think it belongs to them. That's the biggest idea to get across."

The School of Choice reinforces the this-is-your-world approach by the example of sharing power between teachers and students. High-school faculty meetings include a student from each homeroom, with a full voice on the issues. The county-wide curriculum is taught, but grading is deemphasized. Students and teachers meet collegially to devise rules for school behavior, with everyone inducted into an honor system in a public ceremony.

Jackie Betz, who is 42 and owns a roomy van that she takes cross country on camping trips, has a natural feeling for her students and how they have been treated before coming to the School of Choice. "I was told all through school that I was dumb and never going to be anything," she recalls of her Akron, Ohio, childhood. Betz didn't attend

college until age 26: "I was afraid to go." After earning a degree at Florida Institute of Technology in 1980 she worked as an environmentalist, including stints with the Environmental Protection Agency and Greenpeace in Seattle.

Three years ago, she had an awakening: "I could think of no job more important for making the world a better place than teaching." She earned a graduate degree in education from the University of Florida, and is now overjoyed to be in Pahokee.

There's not a student at the school who doesn't need her, nor one, either, who doesn't deserve her.

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If you're dead, Frank Lorenzo will give you a 50% discount to fly Eastern Airlines. The special cargo rate for dead bodies is one of many deals Eastern is promoting to try to regain some business. Eastern also offers frequent flier mileage to funeral directors who use the airline to ship bodies.